

Message Text

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ACTION IO-06

INFO OCT-01 ARA-06 EUR-08 ISO-00 CIAE-00 DODE-00 NSAE-00

NSCE-00 SSO-00 USIE-00 INRE-00 PM-03 H-01 INR-05 L-01

NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-20 FRB-01 OMB-01

TAR-01 SWF-01 AGR-05 AID-05 COME-00 EB-04 LAB-01

OIC-01 SIL-01 STR-01 TRSE-00 CIEP-01 CEA-01 ACDA-05

AF-04 EA-06 NEA-06 DRC-01 /107 W

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INFO AMEMBASSY MEXICO

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TREASURY PASS BRADFIELD

E.O. 11652: N/A

TAGS: EGEN UNCTAD

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES (CERDS)

REF: USUN 3935

1. AT AM GROUP B CONSULTATION TODAY, CANDA (STANFORD)
TABLED FOR GROUP B REVIEW A TEXT CONTAINING ALTERNATIVE
APPROACHES TO CERDS PARA2. RESULTS OF GROUP DISCUSSION
CABLED SEPTEL.

2. FOLLOWING IS CANADIAN TEXT:

PARAGRAPH 2

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PARA 2(1)

ALTERNATIVE 1

EVERY STATE HAS AND MAY FREELY EXERCISE PERMANENT SOVEREIGNTY, INCLUDING THE RIGHTS OF POSSESSION, USE AND DISPOSAL, OVER ITS NATURAL WEALTH AND RESOURCES.

ALTERNATIVE 2

EVERY STATE HAS AND SHALL EXERCISE PERMANENT SOVEREIGNTY, INCLUDING POSSESSION, USE AND DISPOSAL, OVER ITS NATURAL WEALTH AND RESOURCES AND SOVEREIGN JURISDICTION OVER ALL ITS NATIONAL WEALTH AND ECONOMIC ACTIVITIES.

PARA 2(2) (A)

ALTERNATIVE 1

EACH STATE HAS THE RIGHT:

(A) TO CONTROL THE ENTRY OF AN REGULATE FOREIGN INVESTMENT WITHIN ITS NATIONAL JURISDICTION IN ACCORDANCE WITH ITS LAWS AND REGULATIONS AND IN CONFORMITY WITH ITS DEVELOPMENT OBJECTIVES AND PRIORITIES.

ALTERNATIVE 2

(A) TO REGULATE AND EXERCISE AUTHORITY OVER FOREIGN INVESTMENT..(MEXICAN TEXT)

ALTERNATIVE 3

(A) TO REGULATE BY LEGISLATIVE AND ADMINISTRATIVE MEASURES FOREIGN INVESTMENT...

PARA 2(2) (B)

ALTERNATIVE 1

(B) EVERY STATE HAS THE RIGHT/IN THE EXERCISE OF ITS NATIONAL SOVEREIGNTY TO ENTER FREELY INTO INVESTMENT AGREEMENTS RELATING TO THE IMPORT OF FOREIGN CAPITAL, WHICH AGREEMENTS SHALL BE OBSERVED IN GOOD FIATH.

ALTERNATIVE 2

(B) IN THE EXERCISE OF ITS NATIONAL SOVERIEGNTY AND CONSISTENT WITH INTS NATIONAL DEVELOPMENT OBJECTIVES, TO ENTER FREELY INTO INVESTMENT AGREEMENTS RELATING TO THE IMPORT OF FOREIGN CAPITAL, WHICH AGREEMENTS SHALL BE OBSERVED IN GOOD FIATH.

ALTERNATIVE 3

(B) IN THE EXERCISE OF ITS NATIONAL SOVEREIGNTY AND, IN PARTICULAR, ITS SOVEREIGN RIGHT TO DEVELOP ITS NATIONAL ECONOMY, TO ENTER FREELY LIMITED OFFICIAL USE

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INTO INVESTMENT AGREEMENTS RELATING TO THE IMPORT OF FOREIGN CAPITAL, WHICH AGREEMENTS SHALL BE OBSERVED IN GOOD FAITH.

ALTERNATIVE 4

(B) IN THE EXERCISE OF ITS NATIONAL SOVEREIGNTY, TO ENTER FREELY INTO INVESTMENT AGREEMENTS RELATING

TO THE IMPORT OF FOREIGN CAPITAL CONSISTENT WITH
ITS NATIONAL DEVELOPMENT OBJECTIVES, WHICH
AGREEMENTS SHALL BE OBSERVED IN GOOD FAITH.

PARA 2(2)(C)
(AS IN THE "BASIC DOCUMENT FOR OCTOBER CONSULTATIONS",
PER REFTEL)

PARA 2(2)(D)
ALTERNATIVE 1
EVERY STATE HAS THE RIGHT:
(D) TO NATIONALIZE, EXPROPRIATE OR REQUISITION
FOREIGN PROPERTY, PROVIDED THAT JUST COMPENSATION
SHALL BE PAID IN THE LIGHT OF ALL RELEVANT CIRCUM-
STANCES BY THE STATE TAKING SUCH MEASURES.

ALTERNATIVE 2
(D) TO NATIONALIZE, EXPROPRIATE OR REQUISITION
FOREIGN PROPERTY, PROVIDED THAT EQUITABLE COMPEN-
SATION SHALL BE PAID BY THE STATE TAKING SUCH
MEASURES.

ALTERNATIVE 3
(D) TO NATIONALIZE, EXPROPRIATE OR REQUISITION
FOREIGN PROPERTY, PROVIDED THAT COMPENSATION,
IN AN AMOUNT JUSTIFIED IN THE LIGHT OF ALL
RELEVANT CIRCUMSTANCES, SHALL BE PAID BY THE
STATE TAKING SUCH MEASURES.

PARA FOLLOWING PARA 2(2)(D)

ALTERNATIVE 1
EACH STATE HAS THE RIGHT
(E) TO REQUIRE THAT RECOURSE BE HAD TO ITS NATIONAL
JURISDICTION IN ANY CASE WHERE THERE IS CONTRO-
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CON-
TENT
DIS-
PUTES
ABOUT THE TREATMENT OF FOREIGN INVESTMENT
OR COMPENSATION THEREFOR. WHERE SO AGREED
BETWEEN THE PARTIES, SUCH CONTROVERSIES SHALL
BE RESOLVED THROUGH OTHER PEACEFUL MEANS OF
SETTLEMENT.

ALTERNATIVE 2

IN CASES WHERE THE TREATMENT OF FOREIGN INVESTMENT OR
COMPENSATION THEREFOR IS IN CONTROVERSY, EACH STATE SHALL
HAVE THE RIGHT TO REQUIRE, UNLESS OTHERWISE AGREED BETWEEN
THE PARTIES, THAT ALL REMEDIES AVAILABLE UNDER THE
NATIONAL JURISDICTION OF THE NATIONALIZING STATE BE
EXHAUSTED. DISPUTES REMAINING UNRESOLVED MAY, WHERE THE
PARTIES SO AGREE, BE SETTLED THROUGH OTHER PEACEFUL MEANS

SUCH AS ARBITRATION OR JUDICIAL SETTLEMENT, ON THE BASIS OF THE SOVEREIGN EQUALITY OF STATES AND IN ACCORDANCE WITH THE PRINCIPLE OF FREE CHOICE OF MEANS.

ALTERNATIVE 3

IN CASES WHERE THERE IS CONTROVERSY CONCERNING THE TREATMENT OF FOREIGN INVESTMENT OR COMPENSATION THEREFOR, RECOURSE WILL BE HAD TO THE NATIONAL JURISDICTION OF THE NATIONALIZING STATE, UNLESS THERE IS AGREEMENT TO SEEK A SETTLEMENT THROUGH OTHER PEACEFUL MEANS, SUCH AS ARBITRATION OR JUDICIAL SETTLEMENT, ON THE BASIS OF THE SOVEREIGN EQUALITY OF STATES AND IN ACCORDANCE WITH THE PRINCIPLE OF FREE CHOICE OF MEANS.

ALTERNATIVE 4

IN CASES WHERE THERE IS CONTROVERSY CONCERNING THE TREATMENT OF FOREIGN INVESTMENT OR COMPENSATION THEREFOR, UNLESS THE PARTIES OTHERWISE AGREE, RECOURSE WILL FIRST BE HAD TO THE NATIONAL JURISDICTION OF THE NATIONALIZING STATE. ON THE BASIS OF THE SOVEREIGN EQUALITY OF STATES AND IN ACCORDANCE WITH THE PRINCIPLE OF FREE CHOICE OF MEANS, DISPUTES REMAINING UNRESOLVED MAY, BY AGREEMENT BETWEEN THE PARTIES, BE SETTLED THROUGH OTHER PEACEFUL MEANS, INCLUDING ARBITRATION OR JUDICIAL SETTLEMENT.
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PARA 2(3)

ALTERNATIVE 1

IN RESPECT OF THE FOREGOING RIGHTS, ALL STATES SHALL FULFILL IN GOOD FAITH THEIR INTERNATIONAL OBLIGATIONS AND SHALL REFRAIN FROM THE EXERCISE OF ANY FORM OF UNLAWFUL COERCION.

ALTERNATIVE 2

IN RESPECT OF THE FOREGOING RIGHTS, ALL STATES SHALL FULFILL IN GOOD FAITH THEIR INTERNATIONAL OBLIGATIONS, INCLUDING THOSE OBLIGATING THEM TO REFRAIN FROM THE EXERCISE OF ANY FORM OF UNLAWFUL COERCION.

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